

MEMORANDUM

Agenda Item No. 11(A)(3)

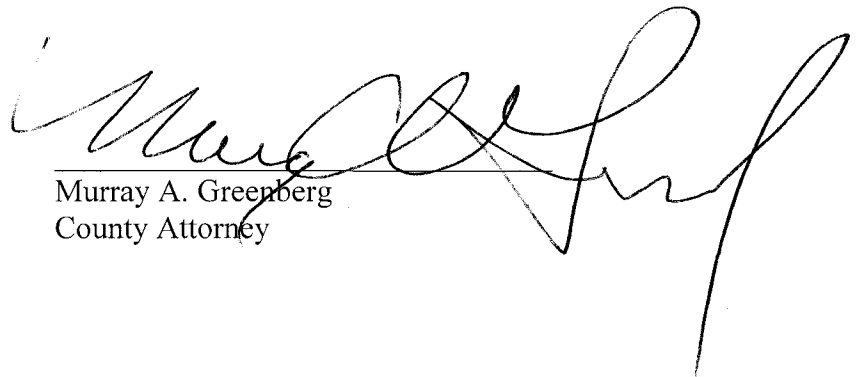
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: June 26, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution expressing intent
of the Board, upon request
of City of Doral, to reduce
its mitigation payment

The accompanying resolution was prepared and placed on the agenda at the request of
Commissioner Jose "Pepe" Diaz.



Murray A. Greenberg
County Attorney

MAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: June 26, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(3)
06-26-07

RESOLUTION NO. _____

RESOLUTION EXPRESSING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS, UPON THE REQUEST OF THE CITY OF DORAL, TO REDUCE ITS MITIGATION PAYMENT FROM 1.5 MILS IN THE RESIDENTIAL AREA, AS ADJUSTED AND 1.5 MILS IN THE COMMERCIAL, BUSINESS, INDUSTRIAL AREA (CBI) TO 1 MIL IN THE CITY OF DORAL, SUBJECT TO ADJUSTMENTS

WHEREAS, in a Incorporation/Annexation and Mitigation Workshop of the Governmental, Operations and Environment Committee of the Board of County Commissioners, the City of Doral discussed the mitigation paid by the municipality to the County, which was voted upon by the electors as one of the pre-agreed conditions contained in its respective municipal charter; and

WHEREAS, the Home Rule Charter provides that such pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter can only be changed, if approved by an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office, prior to a vote of qualified municipal electors; and

WHEREAS, the Board being duly advised, acting in further of the County's Home Rule powers, desires to equalize Doral's mitigation payment prospectively, so that Doral will pay a mitigation amount based on one mil of total property tax value in the incorporation year; and

WHEREAS, the County Commission expresses its intent to approve a resolution of the Board authorizing the change of Doral's mitigation payment in the current fiscal year, in accordance with the terms of this resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board of County Commissioners expresses its intent to approve the reduction the City of Doral's mitigation as contemplated in this resolution if the following conditions are met:

- 1) The City of Doral shall modify its charter to provide for the reduction of Doral's mitigation payment from an amount based on 1.5 mils in the residential area (as adjusted) and 1.5 mils in the CBI area to \$5,546,632 for the fourth payment, which shall be due and payable on or before September 30, 2007. This payment is the equivalent of 1 mil of the value of taxable real property within the boundaries of the City, based on the City's real property tax roll as of the year of incorporation (2002 property tax roll). This amount shall be adjusted by the Consumer Price Index for each subsequent year's payment.
- 2) The City of Doral shall present to the County a resolution approving a ballot question and proposed amended provisions of its municipal charter, which must provide for the reduction of mitigation as contemplated in this resolution;
- 3) Such ballot question and proposed amended provisions shall be acceptable in form and substance to the County Commission; and

- 4) Shall not be effective, unless and until the voters of Doral approve their respective proposed charter amendments at mail-ballot elections;
- 5) Each municipality shall submit to the Clerk of the Board of County Commissioners the resolutions, including draft ballot questions and proposed amended municipal charter provisions, prior to a County Commission vote to consider each municipality's request.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman
	Barbara J. Jordan, Vice-Chairwoman
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 26th day of June, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Craig H. Collier/Cynthia Johnson-Stacks

